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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,633	08/06/2001	Dirk Stockhusen	2001P04668US01	2065

7590 05/18/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
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EXAMINER	
ELAHEE, MD S	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/923,633	STOCKHUSEN, DIRK	
	Examiner	Art Unit	
	Md S. Elahee	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 03/01/2006. Claims 1-31 are pending.

Response to Arguments

2. Applicant's arguments filed on 03/01/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 9, 17 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 1, 9, 17 and 24, the limitation "a user interface for communicating information and commands between the first and second protocol stacks and a user for controlling the mobile telephone" is indefinite. It appears that a user interface for communicating information and commands either **between** the first and second protocol stacks or **between** the first protocol stack and a user or **between** the second protocol stack and a user.

6. Regarding claims 1, 9, 17 and 24, the limitation "an application layer for reducing functional interface between the first and second protocol stacks to layers of the first and second

protocol stacks subsequent to the user interface" is indefinite. It appears that an application layer for reducing functional interface either **between** the first and second protocol stacks to layers of the first protocol stack or **between** the first protocol stack and the second protocol stacks or **between** the second protocol stack to layers of the first and second protocol stacks or **between** the first protocol stack to layers of the first and second protocol stacks.

7. Regarding claims 1, 9, 17 and 24, the limitation "an application layer for reducing functional interface between the first and second protocol stacks to layers of the first and second protocol stacks subsequent to the user interface" is indefinite. No where in the original specification, the applicant discloses **how an application layer reduces functional interface** between the first and second protocol stacks to layers of the first and second protocol stacks subsequent to the user interface and **what kinds of functional interface** the application layer reduces. In page 7, line 19- page 8, line 6, the applicant discloses "applications (e.g., organizers, email clients, network browsers, and the like) may be easily added to, removed from, or modified within the user interface 234 without modification of the different protocol stacks" and "This greatly reduces the complexity of the MMI making the mobile telephone easier to use than would be a telephone employing different MMI's for each mode". Since, a single functional interface [i.e., MMI] supporting both of the protocol stacks instead of two functional interface being used separately for supporting both of the protocol stacks, it appears that the claimed feature of "**reducing functional interface**" seems supported by the disclosure of using a single functional interface instead of two to support both of the protocol stacks.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 5, 8, 9, 11, 13, 14, 16, 17, 19, 20, 21, 24, 26-29 and 31 are rejected as understood by 35 U.S.C. 112 rejection, under 35 U.S.C. 102(b) as being anticipated by **Rostoker** et al. (U.S. 6,035,212).

Regarding claims 1 and 17, **Rostoker** teaches a micro-controller [i.e., mode manager] for managing switching of the system between a first mode utilizing a GSM protocol [i.e., first air interface standard supported by a first protocol stack] and a second mode utilizing a CDMA/TDMA protocol [i.e., second air interface standard supported by a second protocol stack], the first protocol and the second protocol stack being supported concurrently by at least one chipset 38 of the mobile telephone (fig.3; col.10, lines 27-34).

a user interface for communicating information and commands between the first and second protocol stacks and a user for controlling the mobile telephone (fig.3; col.9, line 16, col.10, lines 27-34). (Note: from the claimed limitation it appears that a user interface for communicating information and commands either **between** the first and second protocol stacks or **between** the first protocol stack and a user or **between** the second protocol stack and a user, examiner interprets interface is for communicating information and commands **between** the first and second protocol stacks for controlling the mobile telephone.)

an application layer for reducing functional interface between the first and second protocol stacks to layers of the first and second protocol stacks subsequent to the user interface (fig.3; col.9, line 16, col.10, lines 27-34). Since, a single functional interface [i.e., MMI] supporting both of the protocol stacks instead of two functional interface being used separately for supporting both of the protocol stacks, it appears that the claimed feature of "**reducing functional interface**" seems supported by the disclosure of using a single functional interface instead of two to support both of the protocol stacks. (Note: application layer is inherent. It has been held that an element is "**for**" performing a function is not a positive limitation but only requires the ability to so perform. The claimed limitation that employ phrase '"**for**" reducing functional interface' is intended use and typical of claim limitation which may not distinguish over the prior art.)

wherein control of the Mobile telephone is provided via a single man machine interface that is substantially consistent across the first and second modes (fig.3; col.9, lines 39-45, 61-63, col.10, lines 27-34). (Note: according to original specification, single man machine interface is a single hardware and software for controlling a multi-mode mobile telephone, since **Rostoker** teaches a single hardware, circuit chip (col.9, lines 61-63) and downloaded software (col.9, lines 39-45) for controlling a multi-mode mobile telephone, single man machine interface is inherent for **Rostoker**'s invention)

Regarding claims 3, 11, 19 and 26, **Rostoker** teaches a man machine interface manager for translating information between the first air interface mode and the second air interface mode (col.10, lines 38-41).

Regarding claims 5 and 21, **Rostoker** teaches a memory [i.e., common database] for storage of user data utilized by the first and second protocol stacks, the user data including at least one of an address book entry, a phonebook entry, a short message, an email, a ringing tone, and a picture (col.9, lines 30-38). (Note; address book entry, a phonebook entry, a picture are inherent for cellular phone)

Regarding claims 8, 16, 24 and 31, **Rostoker** teaches the user interface, application layer, and mode manager are integrated with the first protocol stack (fig.3; col.10, lines 27-34).

Claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Rostoker** teaches that a first protocol stack for supporting a first air interface standard providing a first functionality and a second protocol stack for supporting a second air interface standard providing a second functionality (fig.3; col.10, lines 27-34). (Note: different protocol stack for supporting a different interface standard provides inherently different functionality)

Claim 24 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Rostoker** teaches that a hardware system including at least one chipset and a hardware interface for controlling the mobile telephone (fig.3; col.10, lines 27-34).

the first and second protocol stacks running on the at least one chipset (fig.3; col.10, lines 27-34).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 2, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rostoker** et al. (U.S. 6,035,212) in view of **Lim** (U.S. Patent No. 6,697,355).

Regarding claims 2, 10 and 18, **Rostoker** does not specifically teach a router for routing information to one of the first protocol stack and the second protocol stack. **Lim** teaches a router for routing information to one of the first protocol stack and the second protocol stack (fig.5; col.7, lines 52-60). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Rostoker** to allow a router for routing information to one of the first protocol stack and the second protocol stack as taught by **Lim**. The motivation for the modification is to have doing so in order to allow communications between two mobile stations.

13. Claims 4, 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rostoker** et al. (U.S. 6,035,212) in view of **Schenker** et al. (U.S. Patent No. 6,633,223).

Regarding claims 4, 12 and 27, **Rostoker** soes not specifically teach "a bridge for providing communication of information between the first protocol stack and the second protocol stack". **Schenker** teaches a bridge for providing communication of information between the first protocol stack and the second protocol stack (col.11, line 61- col.12, line 4). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Rostoker** to allow a bridge for providing communication of information between the first protocol stack and the second protocol stack as taught by **Schenker**. The motivation for the modification is to have doing so in order to communicate with access points.

14. Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rostoker** et al. (U.S. 6,035,212) in view of **Verma** et al. (U.S. Pub. No. 2003/00224792).

Regarding claims 6 and 22, **Rostoker** does not specifically teach "a call database for storing call related data by the first and second protocol stacks". **Verma** teaches a call database for storing call related data by the first and second protocol stacks (page 4, paragraph 0043). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Rostoker** to allow a call database for storing call related data by the first and second protocol stacks as taught by **Verma**. The motivation for the modification is to have doing so in order to perform a virtual PPP session.

15. Claims 7, 15, 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rostoker** et al. (U.S. 6,035,212) in view of **Whinnett** et al. (U.S. Patent No. 5,943,3333).

Regarding claims 7, 15, 23 and 30, **Rostoker** does not specifically teach "the first air interface standard comprises the Global System for Mobile communication (GSM) air interface standard and the second air interface standard comprises the Telecommunications Industry Association/Electronics Industry Alliance Interim Standard 136 (TIA/EIA-136) air interface standard". **Whinnett** teaches that the first air interface standard comprises the Global System for Mobile communication (GSM) air interface standard and the second air interface standard comprises the Telecommunications Industry Association/Electronics Industry Alliance Interim Standard 136 (TIA/EIA-136) air interface standard (abstract; fig.1; col.2, lines 39-43, col.3, lines 4-8, 14-17, 26-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Rostoker** to allow the first air interface standard comprising the Global System for Mobile communication (GSM) air interface standard and the second air interface standard comprising the Telecommunications Industry Association/Electronics Industry Alliance Interim Standard 136 (TIA/EIA-136) air interface standard as taught by **Whinnett**. The motivation for the modification is to have doing so in order to increase the efficiency of cellular telephone systems, allowing a greater number of simultaneous conversations.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 15, 2006

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